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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[5 August 1996]

1. The International Federation of Human Rights Leagues (IFHR) and its correspondent member in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Council for Human Rights of the Centre for Anti-War Action, would like to express their ongoing concern regarding the situation of human rights in the Federal Republic of Yugoslavia (FRY).

2. The violation of human rights in Yugoslavia is obvious. The authorities in Yugoslavia, if not drastically in all cases, openly make it clear to the individual that he is a subject and not a citizen. This applies to citizens of Yugoslavia as well as to refugees.

3. Neither the recommendations contained in the report of Ms. Elisabeth Rehn, Special Rapporteur (E/CN.4/1996/63), nor the resolution adopted by the Commission on Human Rights at its fifty-second session (1996/71) have been taken into account by the Government of the FRY.

4. We are particularly concerned at the following violations.

Rights of minorities

5. The problem relating to the position and rights of national minorities is particularly serious in Kosovo where 90 per cent of the population are Albanians. In 1995 four major judicial proceedings took place before the courts in Gnjilane, Prizren, Pec and Prishtina. Albanians (in a few cases even Turks), former members of the police, were accused of the formation of parallel police forces in Kosovo. In these proceedings more than 100 citizens (more than 70 in Prishtina, 44 in Prizren) were accused.

6. These trials, other cases of police treatment of Albanians (the reports of the Kosovo Board for the Protection of Human Rights, the president of which is Adem Demaqi), the increased presence of Serbian police and the boycott of political life (especially in education by establishing a parallel education system) by Albanians, as well as the rejection of any institution of the Republic of Serbia by the local Albanian population, are the best illustrations of this problem.

7. The two other most important minority groups in Yugoslavia are the Muslims and the Hungarians.

8. Muslims are mainly concentrated in the south-west of Serbia in the region called Sanjak. In the border area towards Bosnia and Herzegovina, there were several cases of ill-treatment of citizens by the police, all under the pretext of searching for weapons. Several citizens were beaten up and kept in the police station with no legal grounds for more than 12 hours. Extremely grave breaches of human rights took place in border areas where, during 1992 and 1993, paramilitary formations from Bosnia and the so-called Republika Srpska entered this region and plundered the houses of the local population. There were several cases of murders as well. The Serbian police did not intervene to protect the population, so entire villages from these regions were abandoned and people fled to more secure regions in the interior of the country.

9. The population in Vojvodina being of a mixed ethnic composition (part of the population are Hungarians), the problems of discrimination there are more limited in scope and mostly consist in discrimination in education and regarding the use of national minorities' languages, since the national legislation is not completely in accordance with international instruments (particularly the International Covenant on Civil and Political Rights). In some municipalities of Northern Vojvodina, Hungarians are the absolute

majority population (national parties of Hungarians from Vojvodina are engaged in the work of the Republic Parliament and have the administrative authority at the local level in these municipalities).

10. During the years of war, 1992 and part of 1993, great pressure was exercised on the local Croatian population in Vojvodina. This pressure was exercised by the right-oriented party (Serbian Radical Party), which was then in coalition with the ruling party, the Socialist Party of Serbia. There were cases of burning down of the local population's houses, physical ill-treatment of some civilians and attempts to mine and set on fire religious objects. This pressure led to Croats fleeing from some municipalities. The police did nothing to prevent such treatment of Croatians in this period. In 1995, after the fall of Knin, there was a large influx of Serbs from Croatia to this region. The same political party organized similar attacks on the remaining Croatian population, but this time the Federal Government energetically intervened, so the incidents were very quickly stopped.

Refugees in Yugoslavia

11. In Yugoslavia there are between 350,000 1/ and 700,000 2/ refugees from Croatia and Bosnia and Herzegovina. The legal status of refugees is regulated by the Convention relating to the Status of Refugees of 1951 and the Protocol of 1966, as well as by the Serbian Law on Refugees of 1992 and the Montenegran Decree on Displaced Persons, also of 1992. During 1993 and 1994 there were cases of refugees being drafted with the technical support of the Serbian police. In 1995, from May to September, there was a large action of drafting the refugees, who were taken to the Bosnian and Croatian fronts. The Serbian Law on Refugees provides that the refugees have military and working obligations under the same conditions as other citizens of Serbia, hence violating seriously the Convention relating to the Status of Refugees and the domestic legislation (the Constitution of Serbia and Yugoslavia, the Defence Law and the Law on the Yugoslav Army).

12. We are particularly concerned about the acknowledgement of the status of refugees by the authorities of the FRY since the Serbian Commissioner for Refugees, in the past two years very rarely grants this status to refugees, leaving them without right to social security and other donations (in food and clothing) that the refugees should be entitled to. In addition to that, since August 1995, all refugees from Croatia are not treated as refugees, but are given a status of "expellees" by a decree of the Government of Serbia. This expression does not exist in the international terminology, it distinguishes the refugees from Croatia from all other refugees and it makes clear the intentions of the Government regarding this group of refugees.

13. Probably the most serious problem for refugees is the unclear situation regarding the possibility of obtaining Yugoslav citizenship, since neither Serbia nor Montenegro passed the Law on Citizenship. The existing federal and republic legislation, although still valid, is not applied in practice, so that for years nobody has acquired the right to Yugoslav citizenship by the regular proceedings. So far, the Federal Government has prepared three drafts

of the Law on Yugoslav Citizenship, none of which has become an official proposal of the Government to the Parliament, so it is still uncertain how this issue will be regulated.

Pressure of the State Security Service

14. The discrimination of citizens is also reflected in the growing pressure of the State Security Service on some political parties, non-governmental organizations dealing with human rights and other citizens who do not share the ideology of the ruling party. This pressure increased at the end of 1995 and beginning of 1996 and is manifested in the regular summoning of the associates of these organizations (it happened to several members of the Council for Human Rights from Belgrade, as well as to members of the Helsinki Committee in Serbia) for so-called "informative talks" that last from one to three hours, through which this Service tries to recruit them for cooperation, and finds out as much as possible on the activities of these organizations, contacts, budgeting, etc. The usual subject of those interrogations are the younger members of the organizations mentioned and not the most exposed persons. This is the latest method used by the State Security to put the activities of non-governmental organizations or political parties under its absolute control, and to marginalize them, given the fear generated by this form of questioning among the members of these various organizations.

Media

15. The independence of the media in the Federal Republic of Yugoslavia is not guaranteed and the State funded media are not impartial.

16. In the past year and a half, the authorities have suppressed all the independent media. The independent daily Borba was taken over by the Government, with the explanation that the privatization that had taken place several years before was not regular. Thus, this newspaper became State owned again and the Government appointed the Federal Secretary of Information as chief editor. The same scenario was repeated at the beginning of 1996 with the independent television station "Studio B", which with the same method, was put under the Government's control, leading to drastic changes in the editorial concept. The pressure on local media has become even stronger, and most of them have been subjected to the direct control of the State.

Recommendations

17. We urge the members of the Sub-Commission to condemn the violations of human rights by the Government of FRY and to call on the Government to:

Respect its obligations under the Dayton and Paris Agreements;

Implement and enforce human rights laws and standards for all the population of the Federal Republic of Yugoslavia, regardless of ethnic status;

Adapt the legislation to the international human rights instruments ratified by FRY;

Guarantee the freedom of the media and put an end to its interference in broadcasting and to the closing down of independent television and radio stations and newspapers;

Provide access to citizenship for refugees, without discrimination.

Notes

1/ UNHCR data.

2/ Data used by the government media and the Serbian Commissioner for Refugees.